

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED-ED4  
SEP 24 2004  
U.S. DISTRICT COURT  
CLERK

DOCKETED  
SEP 27 2004

Tracy Fato )

(Name of the plaintiff or plaintiffs)

v.

Avnet Corporate Services Group,  
Wade Sutton, Steve Tepedino, Jeff Bawol )

(Name of the defendant or defendants)

JUDGE HOLDERMAN

CIVIL ACTION

NO. **04C 6220**

MAGISTRATE JUDGE ASHMAN

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination based on the violation of the Family and Medical leave act.
2. The plaintiff is Tracy Fato, of the county of Dupage, in the state Illinois
3. The defendant's are named above, with a street address of 2211 South 47<sup>th</sup> Street, Phoenix.  
AZ 85034  
(Defendant's telephone number) (480) - 643-7114
4. The plaintiff sought employment or was employed by the defendant at (street address) 3030  
Salt Creek Lane, Suite 120 Arlington Heights, Il 60005, in Cook County, Illinois
5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.  
(b) ☐ was hired and is still employed by the defendant.  
(c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, September, 25, 2004.

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check

one box] ☐ has not

☒ has filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) December 16, 2002.

(ii) ☒ the Illinois Department of Human Rights, on or about (month) December \_\_\_\_\_ (day) 16 (year) 2002 \_\_\_\_\_.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☐ YES. ☒ NO, but plaintiff will NOT file a copy of the charge

**within 14 days, BECAUSE THAT CHARGE IS PENDING BEFORE THE AGENCIES, NO RIGHT TO SUE LETTER HAS YET TO BE ISSUED, AND THIS COMPLAINT IS FOR VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT ONLY.**

**PLAINTIFF INTENDS TO AMEND THIS COMPLAINT TO ADD TITLE VII VIOLATIONS IF THE PARTIES CAN NOT RESOLVE THOSE COMPLAINTS AT THE AGENCY LEVEL.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(2) The plaintiff received a Final Agency Decision on (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(3) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☒ the United States Equal Employment Opportunity Commission has not issued a

*Notice of Right to Sue.*

(b) ☐ the United States Equal Employment Opportunity Commission has issued a

*Notice of Right to Sue*, which was received by the plaintiff on  
(month)\_\_\_\_\_ (day)\_\_\_\_\_ (year)\_\_\_\_\_ a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [***check only those that apply***]:

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964): Action for violation of the

Family and Medical Leave Act.

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791, FAMILY AND MEDICAL LEAVE ACT..

12. The defendant [***check only those that apply***]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.

- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): failed to grant requested leave of absence for maternity leave.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

- A. On September 25, 2002, Respondent terminated my employment. Respondent took this action because of my sex, pregnancy, and need for a leave of absence as protected by the Family and Medical Leave Act. .
- B.
  - 1. I am a woman and have been pregnant since July, 2002. In July, 2002, I informed my supervisors that I was pregnant and requested a leave of absence to begin February 1, 2003.
  - 2. On September 25, 2002, Respondent terminated my employment and stated this was due to a "reduction in force."
  - 3. Respondent admits that I was performing at least satisfactorily at all times up to the date of my termination. I had the best performance among my peers.
  - 4. Respondent's reasons for my termination are false since it has hired additional personnel since my termination. Further, Respondent has treated male, non-pregnant employees who have not requested a leave of absence more favorably by keeping them employed, including Tom Molitor, Steve Kelley, Fred Ball, Jared Hughes, Derrick Danskin, Tom McEllittott.

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- 14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.
  - 15. The plaintiff demands that the case be tried by a jury. YES
  - 16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff **[check only those that apply]**

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to pay lost wages, benefits, and other compensation and terms of employment.
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Tracy Fato

(Plaintiff's name)

Tracy Fato

(Plaintiff's street address)

162 Greenfield Drive

(City) Bloomington (State) IL (ZIP) 60108

(Plaintiff's telephone number) ( 630 ) - 894-3317

Date: September 23, 2004

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

JUDGE HOLDEN

04C 6220

Civil Cover Sheet

MAGISTRATE JUDGE ASHMAN

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): Tracy Fato

Defendant(s): Avnet Corporate Services Group,  
Wade Sutton, Steve Tepedino, Jeff Bawol

County of Residence: Dupage, Illinois

County of Residence:

Plaintiff's Atty: pro se

Defendant's Atty:

II. Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

III. Citizenship of Principal  
Parties (Diversity Cases Only)

Plaintiff:- N/A

Defendant:- N/A

IV. Origin : 1. Original Proceeding

V. Nature of Suit: 442 Employment

VI. Cause of Action: Family and Medical Leave Act, termination in connection with a  
request for pregnancy leave of absence.

## VII. Requested in Complaint

Class Action: No

Dollar Demand:

Jury Demand: Yes

VIII. This case **IS NOT** a refiling of a previously dismissed case.

Signature: Tracy Fato

Date: 9/24/04

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. Note: You may need to adjust the font size in your browser display to make the form print properly.

Revised: 06/28/00